

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

No. 853

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**Introduced by Assembly Member Arambula**

February 26, 2009

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An act to add Section ~~56878~~ 56375.6 to the Government Code, relating to local government.

### LEGISLATIVE COUNSEL'S DIGEST

AB 853, as amended, Arambula. ~~Local agencies: small community water systems.~~ *Local government: organization.*

*The Cortese-Knox-Hertzberg Act of 2000 governs the organization and reorganization of local governmental entities, including, among other things, the annexation of island territories to a city or county.*

*This bill would provide procedures for annexing unincorporated fringe communities and unincorporated island communities, as defined, to a city under specified circumstances.*

~~Existing law defines "small community water system" to mean a community water system that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons. Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the local area formation commission is responsible for the conducting organization and reorganization proceedings for special districts, as specified.~~

~~This bill would require the local agency formation commission to conduct a feasibility review for the consolidation of a small community water system with one or more of the water systems in the county, if the board of supervisors of the county receives a written complaint from a resident or group of residents of a small community water system,~~

~~and a majority of the board votes to require the report by the commission.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 56375.6 is added to the Government Code,  
2     to read:  
3     56375.6. (a) As used in this section, the following terms have  
4     the following meanings:  
5     (1) “Unincorporated fringe community” means any settled,  
6     unincorporated area that is within 1.5 miles of a municipality or  
7     within or adjacent to a municipality’s sphere of influence.  
8     (2) “Unincorporated island community” means a settled  
9     unincorporated area that is adjacent to one or more municipalities  
10    and is surrounded by a municipality or property owned by the  
11    state or undevelopable land, including, but not limited to, a state  
12    or federal park or wilderness preserve, an ocean, river, lake, or  
13    canyon, a major industrial land use, a public works installation,  
14    a landfill, or agricultural land subject to a Williamson Act contract.  
15    (b) The board shall petition the commission in the board’s  
16    county to approve the annexation to a city of any island or fringe  
17    community after notice and hearing if both of the following  
18    conditions exist:  
19    (1) Twenty-five percent of the registered voters or landowners  
20    in the unincorporated territory file a petition with the board to  
21    initiate an annexation of that community to a municipality.  
22    (2) The territory contained in the annexation petition constitutes  
23    an unincorporated island or constitutes an unincorporated fringe  
24    that does not have access to adequate wastewater or drinking  
25    water services or infrastructure.  
26    (c) Notwithstanding any other provision of law, a separate  
27    property tax transfer agreement shall be agreed to between the  
28    annexing city and the county pursuant to Section 99 of the Revenue  
29    and Taxation Code. That agreement shall not affect any existing  
30    master tax sharing agreement between the city and county.  
31    (d) The commission shall approve, after notice and hearing, the  
32    change of organization or reorganization of a city, subject to  
33    subdivision (a) of Section 57080.

1     (e) Subject to the commission's approval of an annexation under  
2     this subdivision, no affected special district shall have the authority  
3     to terminate the annexation.

4     (f) Subject to the commission's approval of an annexation under  
5     this subdivision, the city shall amend its general plan to ensure  
6     the that the annexation conforms with the municipality's general  
7     plan.

8     ~~SECTION 1. Section 56878 is added to the Government Code,~~  
9     ~~to read:~~

10    ~~56878. (a) Upon receipt by the board of supervisors, of a~~  
11    ~~written complaint from any resident or group of residents of a~~  
12    ~~small community water system, as defined by subdivision (aa) of~~  
13    ~~Section 116275 of the Health and Safety Code, the board of~~  
14    ~~supervisors may require, upon majority vote, the local agency~~  
15    ~~formation commission in that county to initiate a feasibility study~~  
16    ~~relating to the consolidation of the small community water system~~  
17    ~~with one or more of the water systems in the county.~~

18    ~~(b) To meet the requirements of this section, a local agency~~  
19    ~~formation commission shall be eligible to receive financial~~  
20    ~~assistance pursuant to Section 116326 of the Health and Safety~~  
21    ~~Code.~~